

**LABEL, IN PART:** "Dixiana Brand Mixed Pieces of Irregular Sizes and Shapes Yellow Freestone Peaches In Heavy Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as required by the definition and standard, the name of the optional packing medium present since the label bore the statement "In Heavy Syrup" and the article was packed in light sirup.

**DISPOSITION:** December 31, 1952. The Bateman Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Federal Security Agency.

### FRESH FRUIT

**19933. Adulteration of blueberries. U. S. v. 25 Crates, etc. (F. D. C. No. 33970. Sample Nos. 54053-L, 54054-L.)**

**LABEL FILED:** On or about September 3, 1952, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about August 6, 1952, by J. H. Welker, from Michigan City, Ind.

**PRODUCT:** 56 crates, each containing 12 pint baskets, of blueberries at Chicago, Ill. Examination showed that the product was infested with maggots.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

**DISPOSITION:** September 10, 1952. La Mantia Bros. Arrigo, Inc., Chicago, Ill., having appeared as claimant and it appearing to the court upon representations made by Government counsel in open court that the product was so decomposed and infested as to constitute a health menace, judgment was entered ordering that the product be destroyed.

### VEGETABLES AND VEGETABLE PRODUCTS\*

**19934. Misbranding of canned green beans. U. S. v. 600 Cases \* \* \*. (F. D. C. No. 33892. Sample No. 4349-L.)**

**LABEL FILED:** September 25, 1952, District of Maine.

**ALLEGED SHIPMENT:** On or about September 3, 1952, by the H. J. McGrath Co., from Baltimore, Md.

**PRODUCT:** 600 cases, each containing 24 15½-ounce cans, of green beans at Portland, Maine.

**LABEL, IN PART:** "Sun-Spun Brand French Style Sliced Green Beans."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned sliced green beans since the deseeded pods of the product contained more than 0.15 percent by weight of fibrous material and its label failed to bear a statement that the product fell below the standard.

**DISPOSITION:** December 1, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Federal Security Agency.

\*See also No. 19943.